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June 4, 1976

Ms. Linda M. Clifford
Assistant Attorney General
The State of Wisconsin
Department of Justice
Madison, WI 53702

Re: State vs. James Lehrer
Case No. 145-072

Dear Ms. Clifford:

Reference your letter of April 20, 1976, and the enclosed letter, these were discussed with James Lehrer.

I have several reasons for not finding the DNR Order fair and reasonable. As you are aware, we had a conference, at which time we worked out the sandwich effect and other types of covering etc. Therefore, the order itself is arbitrary and capricous, as the DNR admits that certain type of coverings, certain periods of coverings etc. were not feasible.

As you are aware, the order was issued in the fall of 1974, and such things as the screening wall could not be built due to inclimate weather until the spring of 1975. By the summer of 1975 we had already arrived at the stipulation bringing the land fill site in compliance.

Therefore, there appears to be approximately a six month period, from fall of '74 to the spring of '75 wherein the Court would find the Order to have been violated. This is approximately 180 days, and I would offer as settlement $1,800.00.

Please confirm at your earliest convenience.

Very truly yours,

Charles J. Hartzheim

CJH/lts

cc: Mr. James Lehrer

00951

REPLY MESSAGE

FORM AD-16

**STATE OF WISCONSIN**

FROM

Gary F. Kulibert - Lm

TO:

Chuck LeVeque - Madison

SUBJECT

Lehrer.

DATE

6-28-76

MESSAGE

I am still recommending a $5,000 fine for Lehrer

SIGNED Gary J Kulibert

REPLY

DATE

SIGNED

00950

SENDER RETAIN THIS COPY